

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington D.C. 20554

In re Applications of ) MM Docket No. 92-64  
 )  
WIND 'N SEA FM LIMITED ) FILE NO. BPH-901224ME  
PARTNERSHIP )  
 )  
et al. )  
 )  
For a Construction Permit for a )  
New FM Station on Channel 295A )  
Ocean City, Maryland )

To: Administrative Law Judge  
Edward Luton

**RECEIVED**  
**MAY 28 1992**

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

**MASS MEDIA BUREAU'S COMMENTS ON**  
**PETITION TO INTERVENE**

1. On May 15, 1992, P.M. Engineering, Inc. (P.M.), filed a petition to intervene in this proceeding. The Mass Media Bureau hereby opposes intervention at this time.

2. P.M. is the licensee of Station WQMR(FM), Federalsburg, Maryland. The Hearing Designation Order (HDO), 7 FCC Rcd 2293 (1992), determined that the proposals of WEBB Broadcasting, Inc. (WEBB), Wind 'n Sea FM Limited Partnership (Wind 'n Sea) and J.H. Communications (JH) are short-spaced to Station WQMR(FM). Each of these applicants was ordered to submit a curative amendment showing compliance with Section 73.207 of the Commission's Rules within thirty days of the HDO's release. Since the release of the HDO, the application of WEBB has been dismissed (See Order, FCC 92M-546, released May 11, 1992), and Wind 'n Sea and JH have

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each submitted the amendment required by the HDO. P.M. seeks to intervene for the limited purpose of protecting WQMR(FM) from interference.

3. Section 1.223(a) of the Commission's Rules provides for intervention by any person who qualifies as a party in interest. An interest may be based on a claim that a grant of an application would cause objectionable interference to an existing or authorized station. In such a case, the petition to intervene must be accompanied by an engineering affidavit showing the extent of the interference.

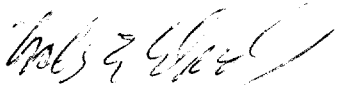
4. Intervention by P.M. is not warranted at this time. Of the three applicants which were found in the HDO to be short-spaced to WQMR(FM), one has had its application dismissed and the other two have filed petitions for leave to amend the engineering portions of their applications to cure the short-spacing which is the basis of P.M.'s interference claim. In the Bureau's opinion, P.M.'s petition is premature. If the Presiding Judge grants the Wind 'n Sea and JH petitions for leave to amend, P.M. could then file a petition for leave to interve pursuant to Section 1.223(c) of the Commission's Rules to protect WQMR(FM)'s signal from prohibited interference which would be caused by the amended proposals.<sup>1</sup>

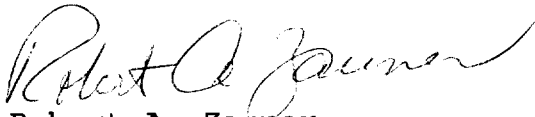
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<sup>1</sup> On May 19, 1992, the Bureau filed comments in support of a petition to intervene filed by Family Stations, Inc. In light of the pending engineering amendments by Wind 'n Sea and

5. In sum, the Bureau, at this point in time, opposes intervention in this proceeding by P.M.

Respectfully submitted,  
Roy J. Stewart  
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May 28, 1992

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Partnership, the Bureau now recommends that the Presiding Judge treat the Family petition in the same manner as the Bureau herein proposes for the P.M. petition.

**CERTIFICATE OF SERVICE**

Michelle C. Mebane, a secretary in the Hearing Branch, Mass Media Bureau, certifies that she has on this 28th day of May 1992, sent by regular United States mail; U.S. Government frank, copies of the foregoing **"Mass Media Bureau's Comments on Petition to Intervene"** to:

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